

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Star Insurance Company, as subrogee of
J.D. Harvesting & Hauling, Inc.,

Plaintiff,

vs.

Deere & Company, Denso International)
America, Inc., 21st Century Equipment,)
Inc., and Denso Corporation,)

Defendants.)

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Case No. 1:07-cv-087

Defendants Denso International America, Inc. and Deere & Company filed motions for summary judgment on July 2, 2008, and July 10, 2008, respectively. See Docket Nos. 20 and 22. On July 31, 2008, the plaintiff, Star Insurance Company, filed a motion for leave to file a supplemental complaint or, in the alternative, for dismissal without prejudice. See Docket No. 24. Magistrate Judge Charles S. Miller, Jr., conducted a review of the record and relevant case law and issued an Order and Report and Recommendation on September 17, 2008. See Docket No. 41. Judge Miller granted Star Insurance's motion for leave to file a supplemental complaint and recommended that the motions for summary judgment (Docket Nos. 20 and 22) filed by Denso and Deere & Company be denied without prejudice to a later refiling of the motions. The parties were given ten (10) days to file objections to the Report and Recommendation. No objections were filed.

The Court has carefully reviewed the Report and Recommendation, relevant case law, and the entire record, and finds the Report and Recommendation to be persuasive. The Court **ADOPTS** the Report and Recommendation (Docket No. 41) in its entirety. The motions for summary judgment (Docket Nos. 20 and 22) are **DENIED WITHOUT PREJUDICE TO A LATER REILING OF THE MOTIONS.**

IT IS SO ORDERED.

Dated this day of 20th day of October, 2008.

/s/ Daniel L. Hovland
Daniel L. Hovland, Chief Judge
United States District Court